REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 28, 2007. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. In order to expedite prosecution of the Application, Applicants amend Claims 10 and 20. Claims 24-30 are new. Thus, Claims 1-30 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-11 and 13-23 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0008727 issued to See et al. (hereinafter "*See*"). Applicants respectfully traverse this rejection.

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond* , 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

Of the rejected claims, Claims 1, 10, and 20 are independent. Claim 1 recites "at least one collector operable to access the collection configuration information and operable to poll a subset of network nodes requiring monitoring according to the collection configuration information" (emphasis added). Applicants respectfully submit that *See* does not disclose or even suggest all the limitations of Claim 1. For example, *See* appears to describe a network management system coupled to a number of network devices which the network management system manages. (*See*, paragraph 0024 and 0026). *See* appears to indicate that the network management system does not poll any of the network devices for information and, in fact, appears to teach away from polling completely. (See, paragraph 0026). For example, *See* states:

> When implemented with an independent storage device, the preferred embodiment <u>relieves the NMS 202 of the burden of polling the plurality of network devices under its management</u>, while immunizing the NMS 202 from disruptions in the availability of those network devices

(*Id.*) (emphasis added). Therefore, based on at least the cited text, *See* does not appear to disclose or even suggest "at least one collector operable to ...<u>poll a subset of network nodes requiring monitoring according to the collection configuration information</u>" as recited in Claim 1 (emphasis added). Thus, *See* does not appear to disclose or even suggest all the limitations of Claim 1. Accordingly, for at least this reason, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claim 10 recites "receiving network topology information indicating <u>a list of network nodes</u> to monitor" and "receiving a definition of <u>a subset of the list of network nodes</u> from which to collect data and a definition of the type of data to collect" (emphasis added). Applicants respectfully submit that *See* does not disclose all the limitations of Claim 10. For example, *See* appears to describe a local resource manager disposed within a network device which collects internal resource property information about its own network device. (*See*, paragraphs 0024-0027). In *See*, the collected property information appears to be stored in a networked storage system and appears to be accessible by a network management resource. (*See*, paragraphs 0024, 0025, and 0044). However, neither the network management resource of *See* nor the local resource manager for the network device of *See* appears to define "<u>a subset of the list of network nodes</u> from which to collect data" as recited in Claim 10. Therefore, for at least this reason, Applicants respectfully submit that *See* does not anticipate Claim 10.

Claim 20 recites "<u>polling the subset of network nodes</u> to collect data according to the collection configuration information" (emphasis added). At least for the reasons discussed above in connection with Claims 1 and 10, Applicants submit that Claim 20 is patentable over *See*.

Claims 2-9, 11, 13-19, and 21-23 depend from respective independent Claims 1, 10, and 20 and are also not anticipated by *See* at least because they incorporate the limitations of respective independent Claims 1, 10, and 20 and also add additional elements that further

distinguish *See*. Therefore, Applicants respectfully request that the rejection of Claims 1-11 and 13-23 be withdrawn.

SECTION 103 REJECTIONS

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over *See* in view of U.S. Patent No. 5,964,837 issued to Chao et al. (hereinafter "*Chao*"). Applicants respectfully traverse this rejection.

Claim 12 depends from independent Claim 10. As shown above, Claim 10 is patentable over *See*. In the Office Action, the Examiner does not rely on *Chao* to cure, nor does *Chao* appear to cure, at least the deficiencies of *See* discussed above. Therefore, Claim 12 is also patentable over the cited references at least because it incorporates the limitations of Claim 12 and also adds additional elements that further distinguish the references. Accordingly, Applicants respectfully request that the rejection of Claim 12 be withdrawn.
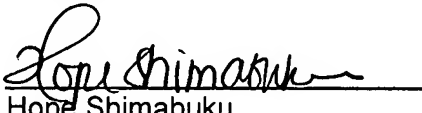
NEW CLAIMS

Applicants add new Claims 24-30. New Claims 24-30 contain no new matter. Applicants respectfully request allowance of new Claims 24-30.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

An excess claims fee of $550 is believed due. Please charge the excess claims fee of $550 to Deposit Account No. 08-2025 of Hewlett Packard Company. If, however, Applicants have miscalculated and/or overlooked the need for any other fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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